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REMARKS

Reconsideration of the present application in view of the following remarks is respectfully requested. Fifteen claims are pending in the application: Claims 1 through 15.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

EXAMINER INTERVIEW

Applicants thank Examiner Koenig for participating in the Examiner Interview of December 15, 2004. Pending claim 1 and the applied reference (i.e., U.S. Patent No. 5,825,876 (Peterson) and U.S. Patent Application Publication No. 2002/0026321 (Faris et al.)) were discussed. An agreement was not reached between the Applicants and the Examiner as the Examiner wanted additional time to consider the references in view of the arguments presented.

More specifically when discussing the applied references, Applicants pointed out during the interview that the references do not teach "comparing the identifier with the identifier of a scheduled event; and beginning playback of the event simultaneously ... if the comparison renders a match" as recited in claim 1. To the contrary, the Peterson reference compares an identifier to determine whether to unlock and allow access to content, and then **defines a window of time within which a user can initiate** access. The Peterson patent teaches away from beginning playback upon confirmation of a match of identifiers as the system of Peterson provides registration of content prior to a start time, thus **the system knows the user has the content** and only after the start time can a user initiate access to the content.

Similarly, Faris does not compare identifiers but instead **simply specifies a time at which a predefined portion of a game is to occur, and fails to suggest beginning playback when identifiers match**. The Faris patent teaches away from comparing identifiers to begin playback because the Faris patent describes a system where **it is already known that the client**

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device has the content, and thus there is **no reason to compare identifiers** to begin playback. Further, the Faris patent only describes the use of a start time, and **does not teach beginning playback upon a match of identifiers** of a stored event and a scheduled event as recited in claim 1.

Additionally, Peterson did not teach or suggest, "ascertaining the identifier of the event stored in the memory of the client apparatuses utilizing the network" as recited in claim 1 and as read in context of the totality of the claim such that the ascertaining is initiated to determine whether content is available through the client apparatus. Instead, the Peterson reference **already knows** that content is available on the client device as the client device has previously registered the content with a host system, and where the host system defines a window of time within which a user can access the content.

Similarly, the Faris patent also fails to teach the ascertaining as recited in claim 1 as Faris also describes a system where it is **already known** that content is available on the client device, and thus ascertaining is not described. The Faris patent describes a gaming system, and for a user to participate in the game, the system already knows that the user has the content and simply provides timing information to start portions of the game. The Faris patent only describes the use of a start time, which is not an "identifier of the event stored in the memory" or "an identifier of a scheduled event" as recited in claim 1. The start time of Faris is simply a time and not an identifier as recited in claim 1. Therefore, neither Peterson nor Faris describes ascertaining an identifier as recited in claim 1.

Furthermore, Applicants demonstrated that the start "time" could not be an identifier, because the start time parameter of Faris is not an "identifier of the event stored in the memory" or "an identifier of a scheduled event" as recited in claim 1. The comparing of "time" is not a comparison of identifiers as claimed.

Applicants further argued that there would be no motivation to combine Peterson and Faris for simultaneous playback as Peterson **specifically defines a window of time** within which access to content is authorized. There would be no motivation to narrow this window to a

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specific time instance to require simultaneous access to content. The Faris patent describes a
system that employs complex hardware and functionality in order to maintain precise timing and
to precisely activate portions of a game at the exact same time on multiple devices. There would
be **no benefit to requiring access to content as described in Peterson to an exact point in
time**. To the contrary, the Peterson patent attempts to provide a convenient **window of time**
within which users can access content. There is no motivation in Peterson to provide
simultaneous playback as this would be detrimental to the implementation of the system
described in Peterson. Therefore, there is no motivation to combine Faris with Peterson to
provide the method as recited in the claims of the subject application.

35 U.S.C. § 103

   Claims 1-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over
U.S. Patent No. 5,825,876 (Peterson) in view of U.S. Patent Application Publication No.
2002/0026321 (Faris et al.). However, Applicants respectfully submit that the combination of
references fails to teach or suggest all of the claim limitations. Further, one skilled in the art
would not combine Faris with Peterson as it would be detrimental to the intended purpose of
Peterson. More specifically, claim 1 for example, recites in part:

     ascertaining the identifier of the event stored in the memory of the client
apparatuses utilizing the network;
     comparing the identifier with an identifier of a scheduled event; and
     beginning the playback of the event simultaneously on each of the client
apparatuses if the comparison renders a match.

The applied references fail to teach or suggest comparing an identifier of an event stored in
memory of the client apparatus with an identifier of a scheduled event to initiate the playback
when a match is confirmed.

   The Peterson patent instead describes identifying content at a client device and
generating an authorization to allow a user to access content at a later time. **There is no**

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__discussion or suggestions of comparing identifiers to cause the beginning of playback__ of the event. More specifically, the Peterson patent describes forwarding an authorization grant message that includes a "__start date and time__ at which access to the secure content (i.e., unlocking) may be enabled; the expiration date and time ... usage limit; and the key K...." (Peterson, col. 8, lines 34–38, emphasis added). Therefore, the Peterson patent __does not teach comparing identifiers to begin playback__. Instead, the Peterson patent teaches away from comparing identifiers to cause playback to begin, as the Peterson patent specifically prevents playback until a later time defined by a window of time (i.e., start date and time, and expiration date and time) within which the user is allowed to initiate access to the content.

The Faris reference also __fails to teach or suggest comparing identifiers__ to cause the beginning of playback when a match is confirmed. Instead, the Faris reference only describes a system where a user logs into the system to participate in a game, and the system intentionally prevents playback of the game until __later__ designated times. Specifically, Faris describes:

> The server could send an encrypted request to the client to perform an action (for example displaying an image) at a specific time... This encrypted request is then loaded into the GSU 175 where it is decrypted and the __desired event time recorded__. At, or at some predetermined time before, the desired display time, the GSU 175 decrypts the image to be displayed and downloads the decrypted image back onto the client machine 160 for display. __This method prevents access by the client machine or its operator to the image data before the allotted time.__

(Faris, paragraph 0143, emphasis added). Faris only describes initiating playback at a __later__ defined event time. Instead, Faris specifically prevents playback until a later allotted time, and thus, teaches away from beginning playback when an "identifier of the event stored in the memory of the client apparatuses" matches "an identifier of a scheduled event", as recited in claim 1. Therefore, the combination of the Peterson and Faris references do not teach or make obvious the method recited in claim 1.

Additionally, the Peterson and Faris references fail to teach or suggest ascertaining an identifier of the event stored in the memory __utilizing the network__ as recited in claim 1 for determining whether a client apparatus contains the content. Instead, both Peterson

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and Faris require prior registration and/or logging in before users can acquire start times. As such, the systems of both Peterson and Faris already know that the client devices include the content, and thus, there is no reason for ascertaining whether the client device has a predefined event stored. Therefore, the Peterson and Faris references fail to teach or suggest "ascertaining the identifier of the event stored in the memory" as recited in claim 1.

Still further, one skilled in the art would not combine Peterson and Faris for simultaneous playback. Peterson specifically provides a user with a **window of time** within which the user is allowed to access the content at their convenience. There would be no motivation to narrow this window to a specific time instance to require a fixed simultaneous access. Instead, the Peterson patent describes the use of an expiration time to clearly demonstrate that a window of time is provided during which users can access content. The Faris patent describes a system that employs complex hardware and software to maintain precise timing at each client device, and to precisely activate portions of a game at exact times. There would be no benefit to limiting access to content as described in Peterson to an exact point in time. To the contrary, the Peterson patent attempts to provide a convenient window of time within which users can access content. There is no motivation in Peterson to provide simultaneous playback as this would defeat one of the intended purposes of Peterson. Therefore, there is no motivation to combine Faris with Peterson to provide the method as recited in claim 1.

Independent claims 6 and 11 recited claim language similar to that of claim 1 discussed above. Therefore, independent claims 6 and 11 are also not obvious over the combination of Peterson and Faris for at least the reasons provided above.
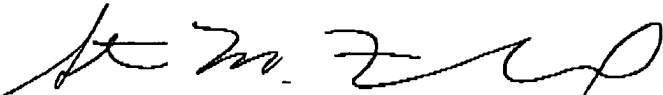
Claims 2-5, 7-10 and 12-15 depend from claims 1, 6 and 11, respectively. Therefore, these dependent claims are also not obvious in view of the Peterson and Faris references for at least their dependency on independent claims 1, 6 and 11.

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CONCLUSION

In view of the above remarks, Applicants submit that the pending claims are in condition for allowance. Therefore, Applicants respectfully request favorable action.

Respectfully submitted,

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Dated: December 20, 2004

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